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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/389,904	09/03/1999	PHILIP D. WRATCHFORD	P-5531	6016

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EXAMINER

DO, AN H

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 03/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/389,904

Applicant(s)

WRATCHFORD, PHILIP D.

Examiner

An H. Do

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-28 is/are allowed.
- 6) ☒ Claim(s) 1-5, 14, 15, 29 and 31-37 is/are rejected.
- 7) ☒ Claim(s) 6-13 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This is the second Office Action on the merits responsive to the filing of the pending application.

Claim Objections

1. Claims 6, 13 and 26 are objected to because of the following informalities:

In claim 6:

-Change "edge" in line 2 to --edges--.

In claims 13 and 26:

-Delete "a" before "first" in line 1; and

-Change "groove" in line 2 to --grooves--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 14, 15, 29 and 31-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Junichi (JP 59109370).

Junichi discloses in Figure 1 a multiple-orifice ink jet print head (8) comprising an ink heater made of a positive temperature coefficient thermistor material (6), the heater (6) having a first side and a second side (Figure 1), first and second electrodes (2), a first

lead and a second lead (4), and wherein a voltage potential is applied across the first and second leads (Abstract).

Allowable Subject Matter

4. Claims 16-28 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Regarding claim 16, the ink heater having a substantially planar configuration and is located between the lower side of the intermediate body portion and the main body portion, and extends in a plane generally parallel to the plane of the ink channels and adjacent to the ink channels.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Claims 6-13, 21-25 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 6 and 30, wherein the ink heater include a first edge and a second edge, the first edge is located opposite from the second edge, the first and second edge extend in a direction which is substantially perpendicular to the plurality of ink channels, the first electrode extends along the first edge and the second electrode extends along

the second edge, whereby the first and second electrodes are opposite from one another and substantially parallel.

Regarding claim 7, wherein the first electrode extends near a center portion of the thermistor material, and the second electrode extends near the center portion of the thermistor material, whereby the first and second electrodes are in close proximity to one another so as to minimize the time the ink heater reaches equilibrium.

Regarding claim 8, wherein the plurality of ink channels include one or more channels which dissipate heat at a higher rate than other channels, and the first and second electrodes are located in an arrangement so that the thermistor material generates greater heat in a first area located adjacent the one or more channels than a second area adjacent the other channels.

Regarding claim 9, wherein the plurality of ink channels include outside channels and inside channels, and the first and second electrodes include a first end and a second end and a mid-portion, wherein the first and second ends are wider than the mid-portion, whereby greater heat is generated adjacent the outside channels than adjacent the inside channels.

Regarding claim 10, wherein the plurality of ink channels include outside channels and inside channels, the first and second electrodes include a first end and a second end and a mid-portion, wherein the first and second ends are narrower than the midportion, whereby greater heat is generated adjacent the inside channels than adjacent the outside channels.

Regarding claim 11, wherein the ink heater includes a first longitudinal edge, a second longitudinal edge, a first transverse edge and a second transverse edge, the first longitudinal edge is located opposite from the second longitudinal edge, the first and second longitudinal edges extend in a direction which is substantially perpendicular to the plurality of ink channels, the first transverse edge is located opposite from the second transverse edge, the first and second transverse edges extend in a direction which is substantially parallel to the plurality of ink channels, the first electrode is substantially U-shaped and extends along the first and second longitudinal edges and the first transverse edge, and the second electrode extends in an area defined by the U-shaped first electrode and in a direction parallel to the first and second longitudinal edges.

Regarding claim 12, further comprising: a top body portion having a first plurality of ink channel grooves extending in a longitudinal direction; an intermediate body portion having an upper side and a lower side, a second plurality of ink channel grooves extending in a longitudinal direction along the upper side, the upper side of the intermediate body portion located adjacent the top body portion wherein the first and second plurality of ink channel grooves form the plurality of ink channels; a main body portion located adjacent the lower side of the intermediate body portion; and wherein the ink heater is located between the lower side of the intermediate body portion and the main body portion.

Regarding claim 13, wherein the main body portion includes a recess and first and second grooves extending in a longitudinal direction from the recess, wherein the

recess receives the thermistor material and the first and second grooves receive the first and second leads, respectively.

Response to Arguments

8. Applicant's arguments with respect to claims 1 and 29 have been considered but are moot in view of the new ground(s) of rejection. Applicant argued that the heater (120) in Burr is not made of thermistor material and that the heater (120) is distinct from the thermistors (138a, 138b). However, the newly found reference of Junichi discloses this feature in Figure 1, the heater (6), which is made of positive temperature coefficient thermistor material as stated in the abstract.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to An H. Do whose telephone number is 703-308-0525. The examiner can normally be reached from Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow, Jr. can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3431 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



AD
March 21, 2002



John Barlow
Supervisory Patent Examiner
Technology Center 2800